

Notice of Allowability**Application No.**

09/840,923

Applicant(s)

FOULGER ET AL.

Examiner

KENNETH TANG

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment on 5/2/08 and the Examiner's Amendment on 8/8/08.
2. ☒ The allowed claim(s) is/are 27-28, 30-34, 36-40, and 42-45; now renumbered as 1-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 8/8/08.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Timothy A. Doyle (Reg. No. 51,262) on 8/8/08.

The claims in the application have been amended as follows:

1-26. (Canceled)

27. (Currently Amended) A computer-based method of scheduling executions of programs on a plurality of computers comprising, at a third computer:

receiving a first notification from a first computer upon the installation of a first program on the first computer;

receiving a second notification from a second computer upon the installation of a second program on the second computer, wherein the operating system of the second computer is different from the operating system of the first computer;

updating a master schedule in response to the first and the second notifications and based on the first and the second notifications, wherein the updated master schedule indicates when the first program is to be executed on the first ~~computer~~ and computer, when the second program is

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to be executed on the second ~~computer; and~~ computer, and that an execution of the second program depends on an execution of the first program meeting a criterion; and

requesting the first computer to execute the first ~~program and requesting the second~~ computer to execute the second program according to the updated master schedule; program;

receiving a result from the first computer, wherein the result is based on the execution of
the first program; and

requesting the second computer to execute the second program according to the updated
master schedule and if the result meets the criterion.

28. (Currently Amended) The method of claim 27, wherein the updating further comprises indicating in the master schedule that the execution of the first program depends on a condition; and the requesting the first computer further comprises requesting the first computer to execute the first program upon the occurrence of the condition.

29. (Canceled)

30. (Currently Amended) The method of claim 27, ~~wherein the requesting further comprises:~~
comprising:

monitoring the load of the first computer;

monitoring the load of the second computer; and

adjusting the updated master schedule based on the load of the first computer and the load of the second computer.

31. (Previously Presented) The method of claim 27, wherein the updating further comprises assigning a first priority to the first program and a second priority to the second program; and further comprising adjusting the updated master schedule based on the first priority and the second priority.

32. (Previously Presented) The method of claim 27, wherein the updating further comprises accepting at least one command from a user to define the updated master schedule.

33. (Currently Amended) A system for scheduling executions of programs on a plurality of computers comprising a third computer networked to a first computer and a second computer, wherein the third computer comprises:

means for receiving a first notification from a first computer upon the installation of a first program on the first computer;

means for receiving a second notification from a second computer upon the installation of a second program on the second computer, wherein the operating system of the second computer is different from the operating system of the first computer;

means for updating a master schedule in response to the first and the second notifications and based on the first and the second notifications, wherein the updated master schedule indicates when the first program is to be executed on the first ~~computer and computer~~, when the second program is to be executed on the second ~~computer, and computer~~, and that an execution of the second program depends on an execution of the first program meeting a criterion;

~~means for requesting the first computer to execute the first program and requesting the second computer to execute the second program according to the updated master schedule.~~
program;

means for receiving a result from the first computer, wherein the result is based on the execution of the first program; and

means for requesting the second computer to execute the second program according to the updated master schedule and if the result meets the criterion.

34. (Currently Amended) The system of claim 33, wherein the means for updating further comprises means for indicating in the updated master schedule that the execution of the first program depends on a condition; and the means for requesting the first computer further comprises means for requesting the first computer to execute the first program upon the occurrence of the condition.

35. (Canceled)

36. (Currently Amended) The system of claim 33, ~~wherein the means for requesting further comprises:~~ comprising:

means for monitoring the load of the first computer;

means for monitoring the load of the second computer; and

means for adjusting the updated master schedule based on the load of the first computer and the load of the second computer.

37. (Currently Amended) The system of claim 33, wherein the means for updating further comprises means for assigning a first priority to the first program and a second priority to the second program; and the means for requesting the first computer further comprises means for adjusting the updated master schedule based on the first priority and the second priority.

38. (Previously Presented) The system of claim 33, wherein the means for updating further comprises means for accepting at least one command from a user to define the updated master schedule.

39. (Currently Amended) A computer program product comprising a tangible computer useable storage having computer readable program code embedded in the storage for causing an application program to execute on a third computer that schedules executions of programs on a plurality of computers comprising:

- a first computer readable program code for receiving a first notification from a first computer upon the installation of a first program on the first computer;

- a second computer readable program code for receiving a second notification from a second computer upon the installation of a second program on the second computer, wherein the operating system of the second computer is different from the operating system of the first computer;

- a third computer readable program code for updating a master schedule in response to the first and the second notifications and based on the first and the second notifications, wherein the

updated master schedule indicates when the first program is to be executed on the first ~~computer~~ and computer, when the second program is to be executed on the second ~~computer~~; and computer, and that an execution of the second program depends on an execution of the first program meeting a criterion;

a fourth computer readable program code for requesting the first computer to execute the first ~~program and requesting the second computer to execute the second program according to the updated master schedule.~~ program;

a fifth computer readable program code for receiving a result from the first computer, wherein the result is based on the execution of the first program; and

a sixth computer readable program code for requesting the second computer to execute the second program according to the updated master schedule and if the result meets the criterion.

40. (Currently Amended) The computer program product of claim 39, wherein the third computer readable program code further comprises a ~~fourth~~ seventh computer readable program code for indicating in the updated master schedule that the execution of the first program depends on a condition; and the fourth computer readable program code further comprises ~~a sixth~~ an eighth computer readable program code for requesting the first computer to execute the first program upon the occurrence of the condition.

41. (Canceled)

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42. (Currently Amended) The computer program product of claim 39, wherein the ~~fourth~~ computer readable program code further ~~comprises~~: comprises:

a ~~fifth~~ seventh computer readable program code for monitoring the load of the first computer;

~~a sixth~~ an eighth computer readable program code for monitoring the load of the second computer; and

a ~~seventh~~ ninth computer readable program code for adjusting the updated master schedule based on the load of the first computer and the load of the second computer.

43. (Currently Amended) The computer program product of claim 39, wherein the ~~third~~ computer readable program code further comprises a ~~fifth~~ seventh computer readable program code for assigning a first priority to the first program and a second priority to the second program; and ~~the fourth computer readable program code further comprises a sixth~~ an eighth computer readable program code for adjusting the updated master schedule based on the first priority and the second priority.

44. (Currently Amended) The computer program product of claim 39, wherein the ~~third~~ computer readable program code further comprises of a ~~fifth~~ seventh computer readable program code for accepting at least one command from a user to define the updated master schedule.

45. (Currently Amended) A computer program product comprising a tangible computer useable storage having computer readable program code embedded in the storage for causing an

application program to execute on a third computer that schedules executions of programs on a plurality of computers comprising:

a first computer readable program code, embedded in the tangible computer useable storage, for receiving a first notification from a first computer upon the installation of a first program on the first computer;

a second computer readable program code, embedded in the tangible computer useable storage, for receiving a second notification from a second computer upon the installation of a second program on the second computer, wherein the operating system of the second computer is different from the operating system of the first computer;

a third computer readable program code, embedded in the tangible computer useable storage, for updating a master schedule in response to the first and the second notifications and based on the first and the second notifications, wherein the updated master schedule indicates when the first program is to be executed on the first ~~computer and computer~~, when the second program is to be executed on the second ~~computer, and computer~~, and that an execution of the second program depends on an execution of the first program meeting a criterion;

a fourth computer readable program code, embedded in the tangible computer useable storage, for requesting the first computer to execute the first ~~program and requesting the second computer to execute the second program according to the updated master schedule.~~ program;

a fifth computer readable program code, embedded in the tangible computer useable storage, for receiving a result from the first computer, wherein the result is based on the execution of the first program; and

a sixth computer readable program code, embedded in the tangible computer useable storage, for requesting the second computer to execute the second program according to the updated master schedule and if the result meets the criterion.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KENNETH TANG whose telephone number is (571)272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195

/Kenneth Tang/
Examiner, Art Unit 2195

